

COMMISSIONERS PROCEEDINGS

JULY 18, 2006

CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stuart and Boldt, Chair, present.

**9:45 A.M.**

INDUSTRIAL REVENUE BOND CORPORATION BOARD MEETING

*Minutes done separately.*

**10:00 A.M.**

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

BID AWARD 2448

Reconvened a public hearing for Bid Award 2448 – Annual Polymer for Waste Water Treatment Plant. Mike Westerman, General Services, read a memo recommending that Bid 2448 be awarded to the lowest bidder.

*Boldt* asked if this was used for sewage.

*Westerman* said that was correct.

*Stuart* wanted to know if it necessary to do an annual treatment.

*Capell* explained that it was a solution that is added to the sludge on an ongoing basis. It then goes through a thickening belt during which the polymer thickens the material so that it can be more easily processed. He said this was just the contract to buy new materials.

There being no public comment, **MOVED** by Stuart to award Bid 2448 to Polydyne, Inc. of Riceboro, Georgia, in the total bid amount of \$258,312.60, including Washington State Sales Tax, and grant authority to the County Administrator to sign all bid-related contracts. Commissioners Boldt and Stuart voted aye. Motion carried. (See Tape 287)

PUBLIC COMMENT

There was no public comment.

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CONSENT AGENDA

*Boldt* asked Rich Lowry, Prosecuting Attorney's Office, to address the two exhibits for consent item 1 (Ordinance relating to revising the County Habitat Conservation Ordinance; adopting conforming definitions; and providing for a delayed effective date as approved by the Board of Commissioners during a hearing held July 11, 2006).

*Rich Lowry*, Prosecuting Attorney's Office, explained that at the July 11 hearing the board gave specific direction in terms of final edits to the amendments to the Habitat Conservation Ordinance dealing with regulation of existing agricultural activities. He said they have incorporated all of those amendments into the ordinance; however, in the interim an issue had arisen as a result of additional conversation with Steve Hill, a representative for the Farm Bureau. Specifically, there was discussion relating to what happens if an agricultural activity happens to be dormant on the effective date of the changes. Lowry said that's an important issue because the availability of the agricultural module is only to those agricultural activities that were in effect on the date of adoption. He said they had discussions in terms of putting into the ordinance some language indicating the mere fact that agricultural activities may be in suspension on the date of adoption; it didn't mean they were ongoing agricultural activities, given that the nature of agricultural practices is to allow agricultural fields to lay fallow on occasion. He said two versions of Exhibit A were provided to the board, which contain the amendments to the Habitat Conservation Ordinance. Lowry stated that the first exhibit deals with those changes that the board directed the previous week. The second version includes language that was discussed with the Farm Bureau, but inadvertently failed to include in the draft ordinance that came before the board, and those changes are on Exhibit A-2. The language requires that in determining whether or not agricultural activities are in existence, it shall be taken into account agricultural cycles that involve varying intensity of agricultural use. That change is found on page 15, lines 510 and 511; page 16, lines 523 and 524; and additionally on page 16, lines 557 and 558. Lowry said staff was recommending adoption of version 2 of Exhibit A.

*Stuart* referenced page 16 of 18, Version 2, and said that 2(A) states that land that is zoned Ag, can be subject to the farm plan; however, 2(B) states that one is subject to the full force of the ordinance if they were to take this activity on lands that are not zoned for Ag forest or Ag wildlife.

*Joel Rupley*, Endangered Species Act Program Coordinator, said that was in the version that the board directed them to pass word-for-word. He said the effect is that new agriculture, were it to be undertaken on zoned resource lands, would be subject to the Ag module.

*Lowry* said the board's discussion in terms of whether there should be a distinction between Ag zoned and non-Ag zoned land specifically related to the issue of an outright exemption for Ag use within designated resource lands. The version that came to the

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board also had—as pointed out by Commissioner Stuart—a distinction of conversion to Ag being allowed to use the Ag module if it was designated resource land, zoned Ag, but not if it was zoned rural or some other non-resource zone. He said that language may be inconsistent with the board's determination that the designation of land should not play a role in determining whether or not they treat it differently under the ordinance. The board specifically treats that in terms of an outright exemption. Lowry said he didn't think this particular section had been discussed by the board and it is a legitimate issue.

*Boldt* said for example to take two farms that are fallow ground for whatever reason, one in resource area and one in non-resource area, they can both still be a farm; however, if someone has land that has never farmed and decides to farm it, there would be a difference in that situation.

*Lowry* said that was right. In this language if you were in the Ag zone, you'd be able to use the Ag module to convert to Ag, but if you were not resource zoned, you would come under the general rules of the ordinance.

*Stuart* said that explains it better. He said the situation he was concerned about was the fallow field that is simply going through crop rotations and not being farmed at the time of this ordinance, and is on some sort of rural designation other than Ag. He asked if they could still use the Ag module when they rotate back to that field.

*Lowry* said the intent was that if the fact that it is fallow is part of a normal agricultural practice, it would be determined to be in agriculture use on the date of adoption of the ordinance and it could continue whether or not it was in resource or non-resource.

*Stuart* said he was less worried then and that it was something they could further discuss, if necessary.

*Boldt* asked Mr. Rupley to keep track of potential situations like, for example, if an individual has five acres that has never been farmed, but decides he wants to and is now running against a rule.

*Rupley* said he would try to do that in the course of reviewing the Ag farm plans.

*Boldt* requested that they pull this item from consent to consider separately.

There being no public comment, **MOVED** by Stuart to approve items 2 through 10. Commissioners Boldt and Stuart voted aye. Motion carried. (See Tape 287)

*Boldt* asked Mr. Lowry if it would be best to approve the ordinance with Exhibit A-2 and Exhibit B.

*Lowry* said yes.

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There being no public comment, **MOVED** by Stuart to approve item 1, including the amended Exhibit A-2 and Exhibit B. Commissioners Boldt and Stuart voted aye. Motion carried. (See Tape 287)

COMMISSIONER COMMUNICATIONS

There were no comments.

BOARD OF COUNTY COMMISSIONERS



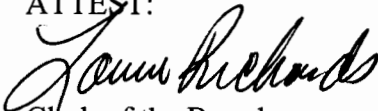
Marc Boldt, Chair



Steve Stuart, Commissioner

Betty Sue Morris, Commissioner

ATTEST:



Clerk of the Board

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